

Cluster 1 – Specific Issue: Security Assurances

- As is well known, the Treaty of Tlatelolco binds Central America, South America and the Caribbean to maintaining our region of the world free of nuclear weapons.
- Negotiators of the treaty were aware, of course, that the commitment of their countries to a nuclear weapon free Latin America and Caribbean required equivalent commitments from nuclear weapon states to provide the region with assurances they would never use nuclear weapons, or threaten to use them against it. These are the so called negative security assurances.
- Notwithstanding Tlatelolco's enduring success, the interpretative declarations made by some nuclear weapon States when adhering to its Protocol II were elaborated in a manner that can be read as *de facto* reservations, poorly aligned with the tenets and objectives of the treaty, if not in contradiction with them. They are not the full scope NSAs the region feels would match and reciprocate the standard set by the Tlatelolco undertaking of a nuclear-weapon free coexistence amongst its members. It is therefore imperative that Protocol II States engage with OPANAL in a dialogue to review and either withdraw or modify those declarations, thereby fulfilling their commitments under Action 9 of the 2010 NPT Action Plan.
- With regard to a multilateral treaty on NSA, we lament that for such a long time this initiative has been kept on the back burner precisely by those states better positioned to bring it to fruition. For Brazil, a negotiation on NSA at this point would have to be understood in the light of the general prohibition on possession, use and threat of use of nuclear weapons established by the TPNW.

- An NSA Treaty at the current juncture would be useful if it improves on the half-hearted assurances given by NWS to NWFZ, as in the case of Tlatelolco, and to the extent that they do not end up legitimizing possession, use or threat of use of nuclear weapons, or provide further pretext for reneging on nuclear disarmament obligations, including those established under Article VI of the NPT. A multilateral treaty on NSA is in principle a step in the right direction depending on the scope and formulation of obligations taken on by nuclear weapon states, but will not and cannot obfuscate the fact that the possession, use and threat of use of nuclear weapons shall continue to be considered a violation of international law, particularly of international humanitarian law, the international law of human rights, and now of the TPNW.